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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/779,803	02/17/2004	Melvin Jones III	593-01	6815
2746	7590	03/10/2008		
WILLIAM H. FILBERG THREE BALA PLAZA SUITE 501 WEST BALA CYNWYD, PA 19004			EXAMINER CHAMPAGNE, LUNA	
			ART UNIT	PAPER NUMBER
			3627	
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			03/10/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/779,803

Applicant(s)

JONES ET AL.

Examiner

LUNA CHAMPAGNE

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9, 13-26, 30 and 32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 13-26, 30 and 32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 2/17/04
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Applicant's preliminary amendment dated 10/16/2007 is acknowledged. Claims 1-9, 13-26, 30, and 32 are presented for examination. Claims 10-12, 27-29, and 31 are cancelled.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1, 13, 14, 24, and 30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The language "the client computer being capable of" makes the limitations optional and does not require the steps to be performed. Appropriate action is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 3-7, 14, 17-23, 30, 32 are rejected under 35 U.S.C. 102(e) as being unpatentable over Camaisa et al. (5,845,263).

Re claim 1, Camaisa et al. disclose a system for management of a restaurant or bar, comprising: a) a server computer (*see e.g. fig. 1-108*), and b) at least one client

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computer, the client computer being capable of transmitting information to, and receiving information from, the server computer (*see e.g. fig. 1-102*), wherein the server is programmed to store and update a menu of items available at the restaurant or bar (*see e.g. col. 11, lines 4-18 -The large area database is updated by the individual vendors*), wherein the client computer is programmed to store a local copy of said menu (*see e.g. col. 8, lines 54-56 - The Customer Terminal 102 has the capability to download the current database from the wide area database server 128 and store the data files locally*), and to generate orders and to transmit said orders to the server (*col. 6, lines 32-37 – the LAN network 120 is wireless, and the computer 102 consequently includes a radiofrequency (rf) or infrared (IR) transmitter 122 for transmitting control signals generated by the computer 102 in response to, e.g. manipulation of the touch sensitive portion 110*), wherein the client computer is further programmed to synchronize the local copy of said menu with the menu as stored on the server computer, wherein the local copy of the menu is automatically updated in accordance with changes made in the server (*see e.g. col. 9, lines 30-43*).

Re claims 3-7, 17, 18, 20-23, Camaisa et al. disclose a system, wherein the client computer includes at least one hand-held unit, wherein the hand-held unit communicates with the server computer by wireless means (*see e.g. col. 12, lines 60*);

A system wherein the client computer includes at least one stationary touchscreen unit, wherein the stationary touchscreen unit communicates with the server computer by wireless means (*see e.g. col. 6, lines 27-37*);

A system, wherein there are a plurality of client computers, wherein some of the client computers comprise hand-held units, and wherein some of the client computers comprise stationary touchscreen units (see e.g. col. 12, lines 35, 60).

A system, wherein the server is programmed to permit a manager to make permanent additions and deletions to the menu; a system, wherein at least one client is programmed to permit a manager to enable and disable a menu item temporarily (see e.g. col. 12, lines 12 -26 - *manipulation of information is available in several methods that accommodates menu setups, categories, daily specials, chef's suggestions, pricing changes and the like*).

A system, wherein the client computers are programmed to notify users of any changes made to the menu (see e.g. col. 8, lines 10-13 – “to view or listen to information relating to a request” is read as “communicating information to users such as changes to a menu requested by a user”).

Re claim 14, Camaisa et al. disclose a method of managing a restaurant or bar, the method comprising: a) maintaining a menu of available items in a server computer, b) storing a local menu of available items in at least one client computer, the client computer being capable of transmitting information to, and receiving information from, the server computer (see e.g. col. 8, lines 54-56; col. 6, lines 32-37), and c) updating the local menu stored in the client such that the local menu reflects changes made to the menu stored in the server (see e.g. col. 6, lines 30-36).

Re claim 19, Camaisa et al. disclose a method, wherein step (b) includes storing a local menu in a plurality of hand-held units and at least one stationary touchscreen unit, the hand-held and stationary touchscreen units communicating with the server computer by wireless means (*see e.g. col. 12, lines 60; col. 6, lines 27-37*).

Re claim 30, Camaisa et al. disclose a method of managing a restaurant or bar, the method comprising: a) maintaining a menu of available items in a server computer (*see e.g. col. 11, lines 4-18*), b) storing a menu of available items in at least one client computer, the client computer being capable of transmitting information to, and receiving information from, the server computer (*see e.g. col. 8, lines 54-56 - The Customer Terminal 102 has the capability to download the current database from the wide area database server 128 and store the data files locally*), and to generate orders and to transmit said orders to the server (*col. 6, lines 32-37 – the LAN network 120 is wireless, and the computer 102 consequently includes a radiofrequency (rf) or infrared (IR) transmitter 122 for transmitting control signals generated by the computer 102 in response to, e.g. manipulation of the touch sensitive portion 110*), c) placing orders for items on the menu, the placing of orders being performed through the client computer (*see e.g. col. 8, lines 13-15*), and d) generating a bill to be presented to a customer, wherein at least one of steps (c) and (d) comprises choosing a printer to print said orders or bills, the choosing step being performed through the client computer (*see e.g. col. 13, lines 14-19 – the IVO system 100 totals the bill and prints it out*).

Re claim 32, Camaisa et al. disclose a method, wherein the restaurant or bar includes a plurality of distinct printers, and wherein step (c) includes automatically printing different portions of an order on more than one of said distinct printers (*see e.g. col. 15, lines 18-21*).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2, 8, 9, 13, 15, 16, 24-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Camaisa et al. (5,845,263), and further in view of Joseph (2003/0177069 A1).

Re claims 2, 8, 9, 13, 15, 16, 24, camaisa et al. disclose a system wherein the server is programmed to permit a manager to make permanent additions and deletions to the menu, and wherein at least one client is programmed to permit a manager to enable and disable a menu item temporarily (*see e.g. col. 2, lines 12-26*) ; a system, wherein the client computers are programmed to notify users of any changes made to the menu (*see e.g. col. 8, lines 10-13 – “to view or listen to information relating to a request” is read as “communicating information to users such as changes to a menu requested by a user”*); a method of managing a restaurant or bar, the method comprising: a) maintaining a menu of available items in a server computer (*see e.g. col.*

11, lines 4-8), b) storing a local menu of available items in a plurality of client computers, (see e.g. col. 8, lines 54-56 - *The Customer Terminal 102 has the capability to download the current database from the wide area database server 128 and store the data files locally*), the client computers being capable of transmitting information to, and receiving information from the server computer (col. 6, lines 32-37 – *the LAN network 120 is wireless, and the computer 102 consequently includes a radiofrequency (rf) or infrared (IR) transmitter 122 for transmitting control signals generated by the computer 102 in response to, e.g. manipulation of the touch sensitive portion 110*), the client computers including a plurality of wireless hand-held units and at least one stationary touchscreen unit (see e.g. col. 12, lines 35-40, 60), c) updating the local menu stored in the server such that the local menus in each of the client computers reflect changes made to the menu stored in the server (see e.g. col. 9, lines 30-43); a system for management of a restaurant or bar, comprising: a) a server computer (see e.g. fig. 1-108), and b) at least one client computer, the client computer being capable of transmitting information to, and receiving information from, the server computer (see e.g. fig. 1-102), wherein the server is programmed to store and update a menu of items available at the restaurant or bar (see e.g. col. 11, lines 4-18 -*The large area database is updated by the individual vendors*), wherein the client computer is programmed to store a local copy of said menu (see e.g. col. 8, lines 54-56 - *The Customer Terminal 102 has the capability to download the current database from the wide area database server 128 and store the data files locally*), and to generate orders and to transmit said orders to the server (col. 6, lines 32-37 – *the LAN network 120 is wireless, and the*

computer 102 consequently includes a radiofrequency (rf) or infrared (IR) transmitter 122 for transmitting control signals generated by the computer 102 in response to, e.g. manipulation of the touch sensitive portion 110),

Camaisa et al. do not explicitly disclose a system, wherein at least one of the server computer and the client computer is programmed to store a count representing a quantity of a menu item remaining in stock, and to decrement said count when the menu item is ordered, wherein the client computer is programmed to display said count, and wherein the client computer is programmed not to accept orders for an item whose count has reached zero.

However, Joseph discloses a system, wherein at least one of the server computer and the client computer is programmed to store a count representing a quantity of a menu item remaining in stock, and to decrement said count when the menu item is ordered (*the quantity of the shoes in-stock is reduced by one*), and wherein the client computer is programmed not to accept orders for an item whose count has reached zero (*out of stock is displayed at the customer position*) (see e.g. paragraph 0033)

Therefore, it would have been obvious to a person of ordinary skill in the art to modify Camaisa et al., and include the steps wherein at least one of the server computer and the client computer is programmed to store a count representing a quantity of a menu item remaining in stock, and to decrement said count when the menu item is ordered, and wherein the client computer is programmed not to accept

orders for an item whose count has reached zero, as taught by Joseph, in order to better control the inventory of items.

Both Joseph and Camaisa et al. show communication between the server computer and the client computer and the display of information at the client computer. However, they do not specifically disclose the client computer displaying counts.

It would have been a design choice to display counts, in order to provide more information and keep track of inventory.

Re claims 25 and 26, Camaisa et al. disclose a method, further wherein step (a) includes the step of periodically making a permanent change to the menu; a method further comprising periodically making a temporary change to the menu by enabling or disabling a menu item through one of said client computers (*see e.g. col. 12, lines 12 - 26 - manipulation of information is available in several methods that accommodates menu setups, categories, daily specials, chef's suggestions, pricing changes and the like*).

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Aronoff et al. (2005/0065851 A1 supported by provisional 60/504,554), Brown et al. (2004/0024730 A1), Dev et al. (2004/0158499 A1), Iguchi (5,589,676), Conkel et al. (2004/0107141 A1), Imani et al. (2003/0040984), Rapoport et al. (5,262,938), Perrill et al. (5003472).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LUNA CHAMPAGNE whose telephone number is (571)272-7177. The examiner can normally be reached on Monday - Friday 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Florian Zeender can be reached on (571) 272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/F. Ryan Zeender/
Supervisory Patent Examiner, Art Unit 3627

Luna Champagne
Examiner
Art Unit 3627

February 26, 2008